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Chin's Lawyers Seeking To Nullify Conviction

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Attorneys for former CIA translator Larry Wu-Tai Chin, who committed suicide two weeks after he was found guilty of selling classified information to China, will ask that his conviction be vacated.

A brief to be filed tomorrow in U.S. District Court in Alexandria by attorneys W. Gary Kohlman and Jacob Stein asks that all criminal proceedings against Chin be terminated "from . . . inception." That would mean dismissing Chin's indictment on 17 counts of conspiracy, espionage and tax violations and vacating his conviction, the papers state.

Kohlman said that Chin's death makes an appeal of his conviction impossible. As a result, the judicial process initiated with Chin's indictment has not ended, he said.

"Right now there is an open case in Alexandria," Kohlman said. "It's just kind of sitting there; it's not going anywhere because there is no normal process for it."

"We're asking that the matter be . . . terminated, and one way is to vacate the conviction and dismiss

the indictment—in other words, wipe the slate clean. Then that case can go to its resting place, like Mr. Chin himself."

Kohlman said the legal move, for which his brief cites precedents, would benefit Chin's family psychologically. "It will take away the sting of the trial and of the jury's verdict," he said.

Assistant U.S. Attorney Joseph Aronica, the lead prosecutor at Chin's trial, said the government will oppose the request.

Chin was found Feb. 7 in his Prince William County jail cell with a plastic trash can liner over his head. The bag was tied with shoelaces. He was pronounced dead 45 minutes later, and officials ruled his death a suicide.

Chin, who allegedly received more than \$180,000 from the Chinese government for the classified documents, was awaiting sentencing March 17 and faced a maximum penalty of two life sentences plus 83 years in prison and \$3.3 million in criminal fines. His estate will not be liable for the fines, but federal taxes on his unreported income will have to be paid, federal officials have said.